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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,051	06/30/2000	Manuel Rosendo Arana-Manzano	4015-735	9426
24112	7590	12/16/2005	EXAMINER	
COATS & BENNETT, PLLC			BRINEY III, WALTER F	
P O BOX 5			ART UNIT	
RALEIGH, NC 27602			PAPER NUMBER	
			2646	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/608,051	Applicant(s) ARANA-MANZANO ET AL.	
	Examiner Walter F. Briney III	Art Unit 2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 24-33 is/are allowed.
- 6) ☒ Claim(s) 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 September 2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 34, 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 34** recites the limitation "[t]he communications terminal of claim 16" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. Specifically, claim 16 is not directed toward a communications terminal. For the purposes of this action, claim 34 has been assumed to depend from claim 24.

**Claim 36** recites the limitation "[t]he method of claim 36" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. Specifically, a claim cannot depend from itself. For the purposes of this action, claim 36 has been assumed to depend from claim 35.

**Claim 37** is dependent on claim 36, and thus, is rejected under 35 U.S.C. § 112, second paragraph, for the same reasons.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Freudberg et al. (US Patent 4,696,031).**

**Claim 35** is limited to a *method of detecting ringback in a received signal*. The three steps of this claim—"initializing," "detecting" and "adapting"—are fully contemplated by the disclosure of Freudberg. Freudberg discloses in column 6, lines 5 and 6, that when energy measurement begins, the threshold for ringback detection is set to 16. This corresponds to the aforementioned "initializing" step as recited. The energy of the input signal is compared to the threshold as set to determine the presence of a ringback signal. See column 5, lines 42-63, for a description on the use of a comparator and the threshold in determining the presence of a signal and see columns 9 and 10 for a description on the use of the output of the comparator for more accurately detecting ringback. In view of these sections, it is clear that the operation of the comparator (82) as seen in figure 3 of Freudberg performs the "detecting" step as recited. In response to current energy level measurements, the system of Freudberg

adapts the ringback detection threshold as explained in column 6, lines 10 and 11. This corresponds to the "adapting" step as recited. Therefore, Freudberg anticipates all limitations of the claim.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

3. **Claims 34, 36 and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.**

**Claim 34** is limited to *the communications terminal of claim 24*, and is allowable over Freudberg for at least the same reasons.

**Claim 36** is limited to *the method of claim 35*, as covered by Freudberg. While Freudberg discloses an adaptive threshold for ringback detection in column 6, lines 3-14, Freudberg fails to disclose updating the threshold as recited. Specifically, Freudberg discloses updating the threshold when a ring is detected and updating it when the energy of the signal crests above 145. In no way, however, does Freudberg disclose "selecting one of the current ringback detection threshold and a previous ringback detection threshold based on a comparison between the current ringback detection threshold and the previous ringback detection threshold." Thus, claim 36 is allowable over Freudberg.

**Claim 37** is limited to *the method of claim 36*, and is allowable over Freudberg for at least the same reasons.

**4. Claims 1-18 and 24-34 are allowed.**

**Claim 1** is limited to a *method for detecting ringback in a received signal*. This claim contains at least each method steps as recited in claim 36, and thus, is allowable over Freudberg for the same reasons. Specifically, Freudberg fails to disclose, teach or suggest "comparing the current ringback detection threshold to a pervious ringback detection threshold and selecting one of them as an adaptive ringback detection threshold." Thus, claim 1 is allowable over Freudberg.

**Claims 2-15 and 32** are limited to *the method of claim 1*, and are allowable over Freudberg for at least the same reasons.

**Claim 16** is limited to a *ringback detector*. This claim contains at least those components that correspond to each method step as recited in claim 36, and thus, is allowable over Freudberg for the same reasons. Specifically, Freudberg fails to disclose, teach or suggest "select[ing] one of the current ringback detection threshold and a previous ringback detection threshold as an...based on a comparison between said current ringback detection threshold and said previous ringback detection threshold." Thus, claim 1 is allowable over Freudberg.

**Claims 17, 18 and 33** are limited to *the ringback detector of claim 16*, and are allowable over Freudberg for at least the same reasons.

**Claim 24** is limited to a *communications terminal*. This claim contains at least those components that correspond to each method step as recited in claim 36, and thus, is allowable over Freudberg for the same reasons. Specifically, Freudberg fails to

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disclose, teach or suggest "select[ing] one of the current ringback detection threshold and a previous ringback detection threshold as an... based on a comparison between said current ringback detection threshold and said previous ringback detection threshold." Thus, claim 1 is allowable over Freudberg.

**Claims 25-31** are limited to *the communications terminal of claim 24*, and are allowable over Freudberg for at least the same reasons.

### ***Response to Arguments***

Applicant's arguments filed 09 September 2005 with respect to claims 1-18, 24-34, 36 and 37 have been fully considered and are persuasive. The 35 U.S.C. 102(b) and 103(a) rejections of claims 1-18 and 24-31 have been withdrawn.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

WFB  
12/5/05